

REMARKS

I. Status of Application

Claims 1 and 3 have been amended to recite that the metal film layer is made from magnesium having a thickness of from about 400 Å to 1000 Å. Support for the amendment can be found at least at paragraph [0010], and at paragraph [0024] with respect to the Example (lower limit).

Claims 2 and 4 have been canceled.

New claim 5 finds support at paragraphs [0012]-[0013] and [0024] of the specification. Specifically, claim 5 is directed to a method for forming the multilayer sheet of claim 1, and includes all of the limitations of amended claim 1. If claim 1 (product) is allowable, so is the method for making that product. See MPEP § 2116.01 (novel, unobvious starting material or end product) and § 821.04 (rejoinder).

No new matter has been added. Review and reconsideration on the merits are requested.

II. Rejection under 35 U.S.C. § 102 (b)

Claims 1-4 were rejected as being anticipated by Kaiho et al. (USPN 4,528,234).

Applicants traverse, and respectfully request the Examiner to reconsider in view of the amendment to the claims and the following remarks.

In the present invention, a pure magnesium layer constituting the multilayer sheet has a thickness of about 400 Å to 1000 Å. The pure magnesium layer has excellent steam and oxygen impermeability. See the Table at paragraph [0028]. Furthermore, even if the magnesium film layer is formed by an evaporation method using magnesium containing impurities or a

magnesium alloy, magnesium is the dominant evaporation product such that a highly pure magnesium film is produced. The use of magnesium or a magnesium alloy containing at least one of Cu, Mn, Al, Si and Zn as a film forming material in an evaporation method provides an advantage of a low melting point. Therefore, magnesium can be gasified at a temperature lower than the melting point of magnesium. This characteristic feature of the invention is described at page 6, lines 3-32 of the specification.

On the other hand, Kaiho et al. discloses a transparent laminate including a metal film which can be a magnesium layer having a thickness of less than 100 Å outside the scope of the amended claims, which magnesium layer is a transparent layer. Because Kaiho et al. does not meet each and every element of the amended claims, it is respectfully submitted that the present claims define novel subject matter. For this reason alone, it is respectfully submitted that Kaiho et al. does not anticipate the present claims.

With respect to patentability over Kaiho et al., Applicants comment as follows.

As noted above, the amended claims set a lower limit for the metal film layer thickness of about 400 Å as compared to the laminate of Kaiho et al. having a much thinner metal film layer. In this regard, Kaiho et al. states at column 2, lines 52-61 that if the thickness of the metal layer is more than 100 Å, the transparent properties of the film are lost, and that the thickness should preferably range from several monomolecular layers to several tens of angstroms (Å). Kaiho et al. also states that too great a thickness impairs bond strength.

In addition to teaching away from the amended claims, there is no apparent reason to one skilled in the art to increase the thickness of the metal film layer beyond 100 Å, especially when

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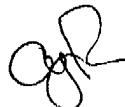
Kaiho et al. instructs against doing so. Namely, it would not have been obvious to increase the thickness of the metal film layer, because such a modification would destroy the intended function, *i.e.* transparency, of Kaiho et al. Furthermore, the magnesium layer of Kaiho et al. is used for adhering a plastic film substrate and a carboxyl group-containing polyolefin layer such that the considerations relating to the use of a magnesium layer of Kaiho et al. are entirely different from those of the present invention. For this additional reasons, it is respectfully submitted that the amended claims are also patentable over Kaiho et al.

Withdrawal of all rejections and allowance of claims 1, 3 and 5 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

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Respectfully submitted,



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